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BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

IN THE MATTER OF THE HONORABLE
MELANIE ANDRESS-TOBIASSON, Las Vegas
Justice Court, County of Clark, State of Nevada,

Respondent.

CASE NOS. 2018-120 and
2019-005

FORMAL STATEMENT OF CHARGES

COMES NOW Thomas C. Bradley, Prosecuting Officer for the Nevada Commission on Judicial Discipline ("Commission" or "NCJD"), established under Article 6, Section 21 of the Nevada Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 - 1.4695, files this Formal Statement of Charges and informs the Respondent, the Honorable Melanie Andress-Tobiasson, Justice of the Peace, Las Vegas Justice Court, County of Clark, State of Nevada ("Respondent"), that the following events occurred and acts were committed by Respondent and warrant disciplinary action by the Commission under the Revised Nevada Code of Judicial Conduct ("the Code").

FACTUAL ALLEGATIONS

1. In the early summer of 2015, Respondent's sixteen-year-old daughter began to frequent a Las Vegas business establishment named Top Knotch. Top Knotch appeared on the outside to be a hip-hop clothing store, but in the Respondent's opinion was in fact an unlicensed club which had, on a regular basis, young high schools girls hanging out in the club and dancing

at times on stripper poles. After learning about the club, the Respondent staked out the establishment, where she recorded license plate numbers and vehicle makes and models of patrons. The Respondent even trailed some of the patrons home to determine where they lived. Soon thereafter, Respondent also reached the conclusion that Shane Valentine (“Valentine”) was a pimp running an underage prostitution ring out of Top Knotch.

2. In or about July of 2015, Respondent began to contact a number of Las Vegas Metropolitan Police Department (hereinafter “Metro”) vice detectives and asked them to investigate Top Knotch. At times, when Metro detectives would visit her chambers to request that she authorize search warrants unrelated to Top Knotch, Respondent would tell them that Top Knotch was an unlicensed club which was running an underage prostitution ring and that they should immediately investigate the illegal activities occurring at Top Knotch.

3. During the late summer of 2015, Respondent’s teenage daughter began to work at Top Knotch and Respondent became gravely concerned that her daughter may become involved in illegal activities including underage drinking, use of drugs, and prostitution. Despite Respondent’s concerns, Respondent continued to permit her daughter to work at and/or frequent Top Knotch. Respondent continued to contact Metro officers and told them to investigate Top Knotch and Shane Valentine.

4. In September 2015, a criminal complaint was issued by the Las Vegas District Attorney charging Valentine with domestic battery in State v. Shane Valentine, Case No. 15M22841X. On October 15, 2015, Respondent presided over Valentine’s arraignment. Valentine failed to appear at his arraignment so Respondent issued a bench warrant for his arrest.

5. In December 2015, Respondent’s daughter told Respondent that she had visited Shane Valentine’s house to obtain a fake ID and that Valentine attempted to persuade her to become a prostitute in his prostitution ring. Respondent then contacted Metro and provided them with Valentine’s name and address. Respondent told Metro that they needed to investigate not only Top Knotch but also Valentine because she determined he was an ex-felon who worked as a pimp and was in possession of guns and illegal drugs.

6. In May 2016, Valentine was arrested for domestic battery and on June 1, 2016 appeared at a subsequent arraignment on the same charges before Respondent. The State and Valentine's lawyer had reached a plea agreement and requested that Valentine be permitted to plead guilty. They also requested that Respondent impose a sentence at that hearing in accordance with their plea agreement. Respondent admits in the Commission investigation interview, that prior to the hearing, she recognized Valentine's identity and was aware that she may have a conflict. Respondent claims that she did not want to disqualify herself because she did not want Valentine to realize that she was the mother of a teenage girl who frequented Top Knotch. Respondent failed to immediately disqualify herself and instead she accepted his plea of guilty and sentenced him in accordance with the plea agreement.

7. Following the June 1, 2016 hearing, Respondent claimed that Valentine attempted several times to contact her daughter. Respondent claimed in a publicized media interview that in approximately July of 2016, she contacted Valentine's lawyer and told him to tell Valentine that if he called her daughter again she would "take care of it herself" and that on one occasion she "went to Shane Valentine's house and kicked in the door."

8. On September 25, 2016, a Metro detective telephoned Respondent to request the issuance of a Telephonic Search Warrant to search the premises of Top Knotch following a deadly shooting which occurred outside the establishment. Despite the fact that Respondent had been personally investigating, surveilling and providing information to Metro regarding Top Knotch, Respondent failed to recuse herself, evaluated the merits of the request, and then granted the issuance of the warrant.

9. On approximately October 26, 2016, Sydney Land and Nehemiah Kauffman were murdered in Las Vegas. Respondent also claimed in a publicized media interview that she then began to personally investigate the case, in part, because she believed that Valentine had committed the murders. Specifically, in May of 2017, she contacted Connie Land, the mother of Sydney Land, one of the murder victims, and subsequently convinced her to transmit all of the text messages that: (1) Ms. Land had exchanged with her daughter prior to her death and (2) all the text

messages Ms. Land exchanged with the police detectives who were investigating her daughter's murder.

10. Respondent utilized "burner" telephones to secretly communicate with Ms. Land and others. A "burner phone" is a cheap, disposable prepaid mobile phone which may be used to avoid being tracked by authorities. Respondent adopted "Master of Puppets" as her burner cell phone identification. On October 14, 2017, Respondent told Ms. Land in a text message by cell phone that the Metro officers who were investigating the murder of Ms. Land's daughter were "corrupt assholes."

11. Respondent also created a false telephone account to send inappropriate text messages to a woman she believed was involved in the Land murder. Respondent also contacted Metro officers to obtain confidential information in the ongoing murder investigation. Respondent committed additional acts that demonstrated her personal involvement in the double murder investigation.

12. Once Metro learned of Respondent's improper personal involvement in an ongoing murder investigation, Metro had opened an investigation to determine whether Respondent had violated any criminal statutes. As part of its investigation of the Respondent's improper conduct, Metro obtained judicial authorization in approximately July of 2017 to place a pen register on the Respondent's phones which included her prepaid burner phone. A "pen register" is a device or process which records dialing information transmitted by telephones. The pen register recorded the date and duration of each number that Respondent called and also recorded the date and duration of each phone number of the persons who called her phone. Metro then determined the identity of those persons who communicated with the Respondent.

13. Metro determined that Respondent and Anthony Danna ("Danna") communicated, or attempted to communicate, with each other over one thousand times from July 20, 2017 to December 4, 2017. Danna is a known and documented organized crime figure who had been charged with felony domestic violence.

14. At a hearing on July 6, 2017, the Respondent presided over a hearing involving Danna where she dismissed the pending charges against him. On October 29, 2017, while Danna

was fleeing from police in connection with another domestic battery case, he exchanged numerous texts with Respondent.

15. Respondent also claimed in a publicized media interview that: (1) some of the Metro vice detectives were protecting certain pimps in exchange for bribes and sex with prostitutes; (2) that the police forced a witness to allege that Respondent had bribed a witness to falsely implicate Valentine; (3) that Las Vegas Metro Sheriff Joe Lombardo was falsely accusing Respondent of drug trafficking and threatening to file criminal charges against her to prevent and/or intimidate her from disclosing corruption within the Las Vegas Metro Police Department; (4) that Sheriff Lombardo covered up a charge of driving under the influence for Todd Fasulo, an assistant Metro sheriff; and (5) that Metro had the evidence necessary to prosecute Valentine for the Land and Kaufman murders but refused to do so based upon improper motives. Respondent publicly claimed that the “prostitution racket is an untouchable business arrangement, ‘policed’ by Metro for the benefit of the hotel industry, rather than the public.” Respondent made additional public comments that were very critical of Metro officers and their alleged intentional refusal to perform their duties. Metro officers deny all of these claims.

16. When Respondent learned that a news reporter was publicizing an interview that Respondent had given him regarding her involvement in the murder investigation and allegations of Metro corruption, she sent emails to the reporter stating that (1) “there are parts of this that are going to ruin me. I never anticipated you would just put the entire conversation in the article. I’m mortified. I already have a discipline complaint. Can you delete the parts about me contacting his [Valentine’s] lawyer please?”; (2) “you told me you were transcribing it. Not that you were just going to print the entire thing. I’m toast.”; (3) “I gave you information that was never meant to be made public. I’m ruined...Judicial discipline will use this to remove me from the bench...”; and (4) “I am imploring you to take down the article to lessen the damage to me.”

COUNT ONE

By engaging in the acts, or combination of the acts described above and more specifically, in paragraphs 1 through 3, 5 and 9 through 11, and conducting a personal investigation of Top Knotch and Valentine and/or repeatedly telling Metro to investigate Top Knotch and Valentine,

Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Rule 1.3 (abusing the prestige of judicial office to advance the personal interests of the judge or others); Canon 2, Rule 2.2 (failing to uphold and apply the law and perform all duties of judicial office fairly and impartially); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); and Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

COUNT TWO

By engaging in the acts, or combination of the acts described above and more specifically, in paragraphs 4, 5 and 6, and failing to timely disqualify herself from State v. Shane Valentine (Case No. 15M22841X), Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.2 (failing to uphold and apply the law and perform all duties of judicial office fairly and impartially); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); and Rule 2.11 (failing to disqualify herself in any proceeding in which the judge's impartiality may be reasonably questioned).

COUNT THREE

By engaging in the acts, or combination of the acts described above and more specifically, in paragraphs 1, 2 and 8, and failing to disqualify herself from ruling upon whether to grant a telephonic search warrant for the premises of Top Knotch, Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the

appearance of impropriety); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.2 (failing to uphold and apply the law and perform all duties of judicial office fairly and impartially); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); Rule 2.9(c) (failing to consider only the evidence presented and made an independent investigation); and Rule 2.1 (failing to disqualify herself in any proceeding in which the judge's impartiality may be reasonably questioned).

COUNT FOUR

By engaging in the acts, or combination of the acts described above and more specifically, in paragraph 7, and publicly stating that she telephoned Valentine's lawyer to transmit a threat to Valentine, Respondent, knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Rule 1.3 (abusing the prestige of judicial office to advance the personal interests of the judge or others); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); and Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

COUNT FIVE

By engaging in the acts, or combination of the acts described above and more specifically, in paragraph 7, and publicly stating that she had kicked in the door to Valentine's house, Respondent, knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Rule 1.3 (abusing the prestige of judicial office to advance the personal interests of the judge or others); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); and

Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

COUNT SIX

By engaging in the acts, or combination of the acts described above and more specifically, in paragraphs 9 through 12, and improperly becoming personally involved in an ongoing double murder investigation, Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Rule 1.3 (abusing the prestige of judicial office to advance the personal interests of the judge or others); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.2 (failing to uphold and apply the law and perform all duties of judicial office fairly and impartially); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); Rule 2.11 (failing to disqualify herself in any proceeding in which the judge's impartiality may be reasonably questioned); and Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

COUNT SEVEN

By engaging in the acts, or combination of the acts described above and more specifically, in paragraphs 12 through 14, and associating with Danna, a known criminal figure, Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.3 (refraining from bias, prejudice, and harassment); and Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

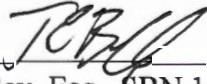
COUNT EIGHT

By engaging in the acts, or combination of the acts described above and more specifically, in paragraph 15, and repeatedly making public statements that Metro and some of its officers were corrupt and refused to perform their legal duties, Respondent knowingly or unknowingly, violated the Code, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety); Rule 1.3 (abusing the prestige of judicial office to advance the personal interests of the judge or others); Canon 2, Rule 2.1 (failing to give precedence to the duties of judicial office over personal and extrajudicial activities); Rule 2.2 (failing to uphold and apply the law and perform all duties of judicial office fairly and impartially); Rule 2.3 (refraining from bias, prejudice, and harassment); Rule 2.4 (permitting family interests and relations to influence the judge's conduct and judgment); and Canon 3, Rule 3.1 (participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality).

Based on the information above, the Commission shall hold a public hearing on the merits of these facts and Counts One through Eight pursuant to NRS 1.4673 and, if the violations as alleged are found to be true, the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant to NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

Dated this 31st day of August, 2020.

Submitted by: _____


Thomas C. Bradley, Esq., SBN 1621
Prosecuting Officer for the NCJD

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

THOMAS C. BRADLEY, ESQ. being first duly sworn under oath, according to Nevada law, and under penalty of perjury, hereby states:

1. I am an attorney licensed to practice law in the State of Nevada. I have been retained by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer in the matter of the Honorable Melanie Andress-Tobiasson, Case Nos. 2018-120 and 2019-005.

2. I have prepared and reviewed this Formal Statement of Charges against the Honorable Melanie Andress-Tobiasson, pursuant to the investigation conducted in this matter, and based on the contents of that investigation and following reasonable inquiry, I am informed and believe that the contents of this Formal Statement of Charges are true and accurate.

Dated this 31st day of August, 2020.



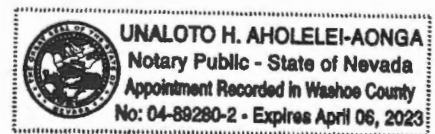
THOMAS C. BRADLEY, ESQ.

Subscribed and sworn to before me, a Notary Public

This 31st day of August, 2020.

By: 

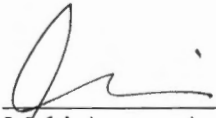
NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was sent via U.S. Postal Service (with sufficient postage affixed) and e-mail, on this 31st day of August, 2020, addressed to:

Dominic P. Gentile, Esq.
CLARK HILL PLLC
3800 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
dgentile@clarkhill.com

By:  _____
Mehe Aonga, Assistant to
Thomas C. Bradley, Esq.,
Prosecuting Officer for NCJD